

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Harmony Enterprises Inc v Matthew DePerno**
Docket No. **281357**
L.C. No. **06-000570-NM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed on October 19, 2007, is DISMISSED for lack of jurisdiction. First, the claim of appeal was untimely filed as to the orders involved in the case. The claim of appeal was neither timely under MCR 7.204(A)(1)(b) as the motion for reconsideration was not filed within 21 days of the August 28, 2007 order; nor was it timely filed under MCR 7.204(A)(3) as the claim of appeal was not filed within 14 days of the September 18, 2007 service of the August 28, 2007 order. MCR 7.204(A)(1)(b) does not extend the time to file a motion for reconsideration when there is not timely service. The remedy for failure to make timely service is to file a claim of appeal in this Court under MCR 7.204(A)(3). Furthermore, this Court lacks jurisdiction because the order of August 28, 2007, is not a final order. Remanding certain claims to district court does not constitute an adjudication of the rights and liabilities as to those claims as required by MCR 7.202(6)(a)(i).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV - 9 2007

Date

Sandra Schultz Mengel

Chief Clerk